

CELLARS ON FIFTH AVENUE SWAMPED BY A MIDNIGHT FLOOD FROM A BROKEN MAIN.



JUST when the Fifth Avenue folks were getting home from the theatre on Thursday night, there was a bang and a roar and sound of rushing water. The 30-inch water main, cracked by a blast in an excavation, had exploded under the tremendous pressure, and all Fifth Avenue, in the neighborhood of Fifteenth street, was awash in five minutes.

Last week the same sort of a pipe on the

east side of the avenue burst and the cellars on that side were flooded. There is a network of main and minor pipes under the granite blocks of Fifth Avenue, and more are being laid. The two new mains that are now being put down are forty-eight inches in diameter, and run near the street curbs. Between them, and a little below, there are two 36-inch pipes, one 20-inch and one 12-inch. There are also

gas mains and sewers. One of the latter is twenty-four feet deep, and is now being completed by the city. The deep excavation was filled to the brim before the residents of the block knew what had happened. When they realized that it was the same sort of flood as swamped their neighbors a week ago, they were very indignant, and threats of damage suits mingled with calls and orders to

the servants, who were getting what was perishable out of the filling cellars. Half an hour after the big pipe had burst General Butterfield's cellar, at No. 816 Fifth Avenue, showed six feet of water. Among the other cellars flooded were those belonging to the residences of Mrs. M. E. Garrison, A. H. Sikes, L. Jacobs, William Ziegler and General Davis. A. H. Sikes's wine cellar, containing several thousands

of dollars' worth of rare wines, was completely submerged, and a large quantity of the stock was lost. Thirty trunks, containing valuable leas and bric-a-brac, floated about on the floor. All the other residents lost wine, vegetables, meats, tapestries and furniture. Possibly the two most serious features of the flood are the injury it is likely to cause to the foundations of the houses and to the health of the occupants. In places

the mortar of the foundations has dropped away. The fifty-two students of the preparatory school at No. 622 were notified yesterday that there would be no more class until the cellar was emptied out. The water was not turned off the broken main until 12:30 o'clock. For an hour and a half Fifth Avenue was like a river. The overflowed sewer at Thirty-fifth street burst and caused another flood there, but no cellars were flooded.

Chief City Engineer E. W. Birdsell said

that the main is a very bad one; also that the blasting done by Matthew Baird, who has the contract for the two new pipes, caused the break. Baird could not be seen about the place yesterday, and his foreman refused to say much about the matter. One of the employees thought it "did not amount to much." The flood sufferers swear they will sue somebody as soon as they find exactly who is to blame for transforming their cellars into plunge baths.

a year—noticably so at particular times during that period. Her father died by his own hand, and two of her cousins also committed suicide. The taint of insanity was in her father's family and in her own blood. She was afflicted with that form of madness called melancholia with decided suicidal tendency. For the last three months she had been constantly out of her mind in this respect. She would beg her mother to be allowed to turn on the gas, and it had been necessary to watch her constantly. On several occasions she had turned on the gas and had been detected just in time.

Mrs. Cooper Was Ill.

Constant attendance upon her daughter had told severely on Mrs. Cooper. In her enfeebled state she must have easily succumbed to the influence of the gas. Her physical condition may be realized when it is stated that during a call of Dr. Worth yesterday she completely collapsed in the hall. The doctor who in addition to being her physician was a very old friend, immediately tried to make her promise to take the necessary rest. Mrs. Cooper's utter devotion to her unfortunate child was a fine example, and her consideration and self-sacrifice knew no bounds.

That the mother fully understood her daughter's condition is shown by a letter to her sister, Mrs. J. A. Skilton, of No. 441 Hancock street, Brooklyn, in which she told in full the story of the girl's malady.

Letter to Mrs. Cooper's Sister.

The letter was written on November 20, but was never mailed. It is as follows:

San Francisco, Cal., Nov. 20, 1896. My Darling Sister Hattie:—You are anxious all the time about our precious one. She is no better. She is still in great pain in her head—a bad symptom. I have told our physician of the head tendency. He feels that the case is serious. From the first the darling has longed to die. She rallies, but only to go back again. She did not sleep at all last night. Oh, precious sister, only God knows the agony of my mother's heart. I told dear Hattie and Mrs. Gaden everything. I cannot tell to others. I hope every day that a change for the better will come. Hattie has not been well for a year, but she has kept at work so hard. We have tried to do good—to make the little ones brighter and happier.

The dreadful fact of insanity in her father's family is constantly in my mind. God is my only refuge. I place my head on His dear breast and in my only comfort there. Some day dear Hattie and Hattie and the little boys and sweet little Mary and myself will all be grouped again. We shall then understand the dreadful mystery of this mortal life. I will add to this letter before I mail it.

Tenderly and affectionately, Your sister, Sallie; your devoted mother, Sallie also.

I know that for over a year darling Hattie has had symptoms of insanity, but I would rather let her be in an asylum. I will care for her to the last, my precious child. It is the twilight of the evening of a lovely Sabbath. I have been nursing the dear one all day, have been reading to her from Phillips' sermons, and from the precious Bible, and "Daily Needs." She is now resting. She did not sleep at all last night, respectively. Everybody is kind. If only the rich and happy knew the good they do by ministering where sorrow and trouble lie heavy on the heart!

Exhausted by Her Work. My poor, exhausted brain surges with pain. I have not so much sleep that I feel dizzy and confused. I have been nursing her today as if she were a little child. Her one longing is to die, and to have me go with her. I tell her the dear Father, who is love, will be a care of all that, and when He is ready to go He will call us. The darling has moments of great suffering in her head. Then she rallies, and it seems as if health were close at hand. She cannot bear me out of her sight, and I do not leave her. During the day we are planning to accept your urgent invitation and pay you the visit you so much desire us to pay this winter. I will write you full when we decide. Will add a line in the morning and send the latest news of the precious child. Tenderly, your sister, Sallie.

Has just read the Twenty-third Psalm and found it of St. John. I feel great comfort. Good-night, dear sister.

I met old Hattie that she was God's dear child; that I gave her to Him before she was

THE NEW YORK HERALD'S CHRISTMAS NUMBER, issued TO-MORROW, will surpass anything of the kind ever produced. Besides all the news, it will contain an ENTIRE SECTION OF 36 BEAUTIFULLY ILLUSTRATED PAGES, which will be A MARVEL OF ART AND COLOR. Artists of international reputation have contributed "The Christmas Angel Child," two short stories of much beauty and strength, "The Christmas in Berlin," "Santa Claus and the Children," "A Christmas in the South," "Christmas Customs Here and Abroad," "The Christmas Tree," and "The Christmas Eve." New artistic and literary enjoyment than has ever been contained in any newspaper. Order your copy in advance. Price as usual.

born, and that my first prayer when she was born was that He would hold her in His hand. You know Hattie's nature was all brightness and sunshine. She has been deeply depressed and sad, but says she knows not why. I know it is from overwork. We are both greatly overworked. Life is a battle. We must be heroes. God is our helper.

Life Devoted to Good Work.

Sarah B. Cooper was born in New York State in 1834. Her religious training was according to the Presbyterian teachings, and both her educational and her charitable work was done through the Presbyterian churches, with which she was affiliated until some ten years ago, when she became a Congregationalist.

After her marriage, when she was barely twenty years old, Mrs. Cooper removed with her husband to Tennessee, where she became deeply interested in the negro question and worked to secure the abolition of slavery. In Memphis, in 1856, her daughter, Hattie, was born. The Coopers were with the Union side in the war, and then, as the armies withdrew, Mrs. Cooper found her field of work among the freedmen. She received high commendation as a leader in the works of charity and education in the South. She introduced the Froebel system of kindergarten instruction in this city and afterward formed a training school for kindergarten teachers. As teachers were trained more schools were established and a kindergarten association at length was formed, of which Mrs. Cooper was the guiding spirit.

She became widely known for her charitable works and her religious instructions. Her famous Bible class was organized in 1880. She was accused by the Presbyterian deacons of teaching doctrines bordering on heresy and there was a trial in which, although she defended her position ably, the verdict went against her. She refused to recant and went over to the First Congregational Church, taking her Bible class with her.

Opposed to Dr. Brown. She was the leader of those who were opposed to Dr. Brown in the First Congregational Church scandal, in which Mattie Overman was involved. At first Mrs. Cooper and her daughter opposed Dr. Brown, but afterward they changed sides. Both women took a deep interest in the case, and worry over it had something to do with causing the daughter to lose her mind.

Besides being president of the Kindergarten Association Mrs. Cooper was president of the Woman's Press Association, president of the Woman's Suffrage Association, and a leading officer of the Woman's Christian Temperance Union.

She was a cousin of Colonel Robert G. Ingersoll.

In her will she left her property, real and personal, to her daughter, and in case of the death of both her daughter and herself, desired her belongings to go to her

last night. To him Mrs. Cooper replied: "If my daughter take my life, I want the world to know that she is not to blame. I know that she is insane, and that she inherits insanity, that her father and her cousins took their own lives, but I love her too well to be separated from her."

\$10,000,000 GAS GIFT.

Continued from First Page.

defrased said city out of the real value of the right, privilege, license or permission

FORMER QUEEN LILIUOKALINI OF HAWAII.



THE RECEPTION SHE WON'T GET.

Washington, Dec. 11.—Secretary Hastings, of the Hawaiian Legation, was questioned to-night regarding the probable reason for ex-Queen Liliuokalani's visit to this country. He said:

"I attach no political significance to the former Queen's visit, for she has been politically dead for some time. In her own country she is a thing of the past, politically speaking, and as far as we can learn, she only comes to visit her late husband's relatives in Boston. We are Governor Donnell, of a very old and highly respectable New England family. We also hear that she intends to visit her niece, Kainani, the former heiress-apparent who came to this country in 1883 with her so-called guardian, an Englishman named Davis, and who is now on the Isle of Jersey."

"How will President Cleveland receive her if, as is rumored, she comes to Wash-

ington to see him?"

"That I cannot say," said Mr. Hastings. "The people here, the President himself, must decide that. She is, of course, only a private citizen, and cannot be foolish enough to entertain hopes of being re-throned. I cannot tell how the President will receive her if she calls, which is doubtful."

The understanding around the State Department is that the President is very tired of Liliuokalani and her "cause." She kept him advised by every steamer for about two years as to her troubles, her health and her wants. It is not learned that the President answered any of her letters. The President will probably decline to receive the former Queen should she call. It would be contrary to diplomatic etiquette for the President to receive a dethroned monarch while the present government was represented here.

to lay mains and pipes in the streets, avenues and public places in the city of New York for the purpose of supplying non-

illuminating fuel gas, intend to grant the aforesaid right and permission to the Consumers' Company, whereupon plaintiff prays that this Court will adjudge and decree that the granting of the right is a waste of the property rights of the municipality, and will be illegal and void."

The action of Corporation Counsel Scott, when the Aldermen asked his opinion, should be read by every tax-payer. His

opinion is against awarding the franchise. He pronounces the proposed "deal" as illegal, and says it cannot be sustained. This is what he said to the Aldermen:

Scott Against It.

Before the question of franchise can be considered on its merits it must, however, be established that the Board of Aldermen is about to act favorably upon the application of the Consumers' Company. But this inferred that favorable action would be fraudulent in law. Milo M. Belding, president of the Consumers' Company, in an affidavit, said the allegations of fraud and bad faith contained in the (Wilcox) complaint are en-

from the time his attention was first called to it. In his official opinion to the Board, dated September 3, 1896, he said:

I have given this matter careful consideration and find it to be a question which is involved in a great deal of doubt. The grant applied for is one of an extraordinary and sweeping character, contemplating as it does the tearing up, at the option of the petitioner, of every street in the city, upon which, as you are aware, a vast amount of money has been expended for the purposes of the city during the past few years, and unless the Legislature has very clearly imposed upon you the right to grant a franchise of this character it would manifestly be improper for you to do so. An examination of the statutes con-

vinces me that it is by no means clear that the Legislature has invested you with the power to grant the permission asked for.

A solution of this question depends upon the construction to be put upon section 96 of the Consolidation Act. This section as it exists to-day reads:

Sec. 96. The Common Council shall have power to make ordinances, not inconsistent with law and the Constitution of the State, and with such penalties as are provided in the last section in the matter, and for the purpose following, in addition to other powers elsewhere especially granted, namely:

5. To regulate the opening of street surfaces, the laying of gas and water mains, the building and repairing of sewers and the erecting of gas lights. Provided, however, it shall not be lawful after the passage of this act for any person or corporation to lay any pipes or mains in or under any of the streets of the city of New York, or to open the pavement of any such streets for the purpose of laying any pipes or mains for conducting therein any illuminating gas or steam or other fluids excepting salt water, nor shall it be lawful for the Common Council of said city, or any board or officers of said city, to grant any license or permission to lay any such pipes or mains, unless two-thirds in number of the owners of real estate fronting on that part of the street in which pipes are to be laid, or to which such license or permission relates, who shall also be the owners of two-thirds in extent of the front feet of such part of such street, shall have petitioned the Common Council in favor thereof, and not then with such person or corporation has actually demonstrated the practical success of the principle involved in developing the enterprise in some other city for at least one year.

Nothing shall be construed to be a valid claim the meaning of said subdivision except illuminating gas, water when intended for other than hydraulic or hydrostatic purposes, steam and oil.

What Sort of Gas? The clause in question, subdivision 5, as it originally stood, ended before the proviso which was inserted by amending acts, and it therefore read as a

"The counsel for the company applying for the privilege. In question, however, insists that the effect of the last paragraph of the subdivision above quoted, defining the significance of said subdivision and making it refer to illuminating gas, to water when intended for purposes other than hydraulic or hydrostatic, and to steam and oil, is to limit the proviso and the restriction which it contains to the fluid specified, and to leave the power of your body to act upon this question to be determined by the subdivision as it originally stood without the proviso, and without any restriction upon any authority which such amended words may be held to give.

"The question, therefore, left for determination is as to whether or not the words, 'to regulate the opening of street surfaces, the laying of gas and water mains, the building and repairing of sewers and the erecting of gas lights' are broad enough to authorize you to pass a resolution conceding to this company the privilege of opening all the street surfaces in this city for the purpose of laying mains for the conduct of a non-illuminating gas.

"Did the Legislature, when it made the enactment in question, mean by the use of the word gas-mains to refer only to what was then generally understood to be illuminating gas, or did it intend that that word should have a significance broad enough to authorize the use of the public streets without compensation by any corporation that might be organized for the purpose of distributing a gas or fluid for fuel, or any other purpose, except that of illumination?"

Owners Should Be Consulted.

"It does not seem to me to be so clear that it has this purpose in view as to justify you in assuming any authority in the premises.

"In no other part of the State, so far as I am advised, has any local body authority to grant to corporations now organized under any of our general laws the power to lay down pipes for such a purpose, except with the consent of abutting owners. It would seem that the Legislature, had it intended to make the exceptional grant to the local authorities in this city to do what might not be done elsewhere in other cities and towns of the State, would have used words which would have left no doubt that the transmission of a gas or fluid for other than illuminating purposes was contemplated.

"I therefore advise you that the Legislature has not invested you with the power to grant the application which has been made to you, and which is the subject of the communication above referred to."

Justice Smith reiterated the doubts expressed by Mr. Scott when he dissolved the Wilcox injunction. In the face of these legal opinions, Alderman Goodman in presenting the final report of the Lamps and Gas Committee a few days ago stated:

The injunction proceedings prove the wisdom of our contention that litigation can be inaugurated on the most flimsy pretense or pretext, and therefore we feel it our duty to favor the applicants who, in our opinion, are the most apt to begin operations at once and supply our people with this great boon of cheap gas. Although it is possible for the Consumers' Company to delay operations by litigation, prompted for that purpose, we feel that such will not be the case. We believe they are sincere.

The following, recently published, will show the financial standing of the company and the personnel of the Board of Directors:

"Among others we might name as

directors and stockholders are Milo M. Belding, the millionaire silk thread manufacturer, and president of the American Union Life Insurance Company, vice-president of a leading fire insurance company, and director in a dozen financial and other institutions; George P. Betts, a wealthy retired lawyer; Henry C. Copeland, president of the Riverside Bank; William R. Smith, of Worthington, Smith & Co., and George P. Johnson, manager of the Diamond Match Company. Surely, no one will venture to suggest that these names are those of men of straw.

"We shall be within bounds in asserting that the gentlemen identified with the Consumers Company represent an aggregate responsibility of not less than \$30,000,000."

Beneficial to the People.

"It seems to your committee that there is not a scintilla of reason presented for its consideration that justifies a different conclusion than already arrived at. The only question upon which a doubt might arise is that of the power of this Board to grant the application. We have expressed our views clearly on that point, and cannot comprehend why any one should criticize a desire to have our rights and powers defined, when it is admitted by both the Corporation Counsel and a learned Judge that the matter is involved in doubt. The official records of many of our city departments will show that litigation is not only a frequent occurrence, but actually forced upon claimants against the city because the heads of such departments are in doubt as to their right to grant the claims against them. They desire their rights adjudged by courts of law, and very often the city must pay costs which could be avoided. Although in such instances the conditions are different than the matter here under consideration, yet the principle of adjudication of power and authority are similar. The Board should rather be encouraged than opposed in its efforts for a proper, unmistakable decision on so important a question. The claimant for that which we may have the right to grant is entitled to the full benefit thereof, if its claim is just, is beneficial to the people, of advantage to the city and is proper under the law."

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